

LABOUR DEPARTMENT

The 15th January, 1976

No. 13163-4Lab-75/1528.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer Labour Court, Haryana, Rohtak in respect of the dispute between the workman and the management of M/s National Resistors, Bahadurgarh:—

BEFORE SHRI MOHAN LAL JAIN, PRESIDING OFFICER, LABOUR COURT, HARYANA
ROHTAK

Reference No. 63 of 1974

between

SHRI JOGA SINGH AND THE MANAGEMENT OF M/S NATIONAL RESISTORS,
BAHADURGARH

AWARD

By order No. ID/RK/264-A-74.31182—86, dated 11th September, 1974 of the Governor of Haryana the following dispute between the management of M/s National Resistors, Bahadurgarh and its workman, Shri Joga Ram was referred for adjudication to this court, in exercise of the powers conferred by clause (c) of sub-section (i) of section 10 of the Industrial Disputes Act, 1947:—

“Whether the termination of services of Shri Joga Singh was justified and in order? If not, to what relief is he entitled?”

The parties appeared in this court in response to the notices of reference sent to them and filed their pleadings.

The workman alleged,—*vide* statement of claim filed by him, that he being an employee as a Mechanic of the respondent, on wages of Rs 325 P. M. his services were terminated by the later with effect from 15th March, 1973 without sufficient cause. He stated that he submitted a resignation on 10th February, 1973 but it was not accepted by the management within 15 days as desired by him and that he as such proceeded on leave for the period from 2nd March, 1973 to 14th March, 1973 and that he was not assigned any duty on his return from leave.

The management,—*vide* written reply denied the allegation that the workman had been employed on wages of Rs 325 P. M. and pleaded that he was their employee on wages of Rs 300 P. M. only. They further denied the allegation that the resignation dated 10th February, 1973 was not accepted or that he was granted leave for the period from 2nd March, 1973 to 14th March, 1973. They on the other hand, set up a case that he resignation of the workman dated 10th February, 1973 was duly accepted and he was not entitled to any relief.

The workman reiterated the allegation made by him in the claim statement,—*vide* rejoinder filed by him and controverted the pleas of the respondent with the result that the following issues were framed on pleas of the parties,—*vide* order dated 12th February, 1975 of my learned predecessor Shri O. P. Sharma:—

- (1) Whether Shri Joga Singh concerned workman had submitted his resignation on 10th February, 1973 which was duly accepted by the management and his dues were paid in full on 1st March, 1973?
- (2) If issue No. 1 is not proved whether the termination of services of Shri Joga Singh was justified and in order? If not, to what relief is he entitled?

I have heard authorised representatives for the parties and seen the records, I decide the issues as under:—

Issue No. 1 :

The management examined one Shrimati Janki Devi M. W. 1, Sube Singh M. W. 2, and Jai Parkash Narain M. W. 3 and brought on record the resignation Ex. M. 1, the receipt Ex. M. 2 and the appointment letter of the workman Ex. M. 3. All these documents stand admitted by the workman and the only question for determination under the circumstances is as to whether the resignation dated 10th February, 1973 duly submitted by the workman was accepted or not and its acceptance was conveyed to him.

The resignation Ex. M. 1, dated 10th February, 1973 signed by the workman, bears an endorsement of the management dated 16th February, 1973 as under:—

“Resignation accepted and advised to clear his account on 1st March, 1973”

The receipt Ex. M. 2 admittedly signed by the workman bears an avowment on his behalf in respect of payment to him on 1st March, 1973 of a sum Rs 300 as his wages for the month of February, 1973 in full and final settlement of his accounts. The resignation Ex. M. 1 further bears a statement by the workman in the form of a request that his resignation be accepted till 25th February, 1973 and that he was thus serving the management 15 days notice of his intention to leave their service. The appointment letter Ex. M. 3 provides for a condition of one month's notice for leaving the job by the workman.

All these documents read together lead to a conclusion beyond doubt that the workman served the management with a 15 days notice to leave their service,—*vide* resignation dated 10th February, 1973 and the latter duly accepted the resignation,—*vide* endorsement dated 16th February, 1973 with a direction to the workman to clear his account on 1st March, 1973 on expiry of the period of 15 days and that the workman actually received payment on 1st March, 1973 of all his dues till 28th February, 1973 in compliance with the endorsement of the management as referred to above on the resignation Ex. M. 1. It can not, therefore, be said that the acceptance of the resignation was not conveyed to the workman. The aforesaid documents on the other hand, lead to a conclusion beyond doubt that the workman was duly conveyed the acceptance of the resignation with a direction to clear his account on 1st March, 1973 and that he duly complied with the same.

There is no material on record excepting the bare statement of the workman that he made an application for grant of leave for the period from 2nd March, 1973 to 14th March, 1973. He failed to summon the records of the management in support of his plea and this leads to an inference that the case put forth by him is false.

I thus relying on the evidence of Shri Jai Parkash Narain, Proprietor of the respondent and the documents Exs. M. 1 to M. 3 and disbelieving the statement of the workman hold that his resignation dated 10th February, 1973 was duly accepted by the management on 16th February, 1973, and the acceptance of resignation was conveyed to him the same day and that he received payment on 1st March, 1973 in full and final settlement of his dues in accordance with the endorsement dated 16th February, 1973 made by the management on the resignation. I decide this issue accordingly.

Issues No. 2:

In view of my finding on issue No. 1, the question of deciding this issue does not arise. The result is that the demand of the workman that his services had been terminated by the management is false and he is not entitled to any relief. I return the award accordingly. There shall be no order as to costs.

Dated 5th November, 1975.

MOHAN LAL JAIN,
Presiding Officer,
Labour Court, Haryana,
Rohtak.

The 16th January, 1976

No. 14097-4Lab-75/1696.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Labour Court, Haryana, Rohtak in respect of the dispute between the workman and the management of M/s Municipal Committee, Panipat:—

BEFORE SHRI MOHAN LAL JAIN, PRESIDING OFFICER, LABOUR COURT,
HARYANA, ROHTAK

Reference No. 56 of 1974

between

SHRI BRIJ PAUL SHARMA AND THE MANAGEMENT OF M/S MUNICIPAL
COMMITTEE, PANIPAT.

AWARD

By order No. ID/KNL/101-E-74/31464—68, dated 4th September, 1974 of the Governor of Haryana, the following dispute between the management of M/s Municipal Committee, Panipat and its workman

Shri Brij Paul Sharma was referred for adjudication to this court, in exercise of the powers conferred by clause (c) of sub-section (i) of section 10 of the Industrial Disputes Act, 1947:—

“Whether the termination of services of Shri Brij Paul Sharma was justified and in order? If not, to what relief is he entitled?”

The parties appeared in this court in response to the notices of reference sent to them and filed their pleadings.

The workman.—*vide* statement of claim filed by him alleged that he had been working as Tube Well Driver of the respondent since 10th May, 1972 and that his services had been terminated w. e. f. 9th January, 1974 without sufficient cause and without holding an enquiry by the respondent and that the latter had employed one Shri Ram Dass in his place. He claimed that he was entitled to reinstatement with back wages and continuity of service.

The respondent.—*vide* written statement pleaded that the reference was had in law, in as much as the workman did not raise a demand directly on the management before taking the matter for conciliation and that he had been engaged purely for a specific period of 15 days from 10th May, 1972 to 24th May, 1972 and his services came to an end automatically on the expiry of the period and that he was not a workman within the definition of that term as given in section 3-S of the Industrial Disputes Act. The management further resisted the demand on the ground that the workman was never dismissed or retrenched from service. They finally denied the right of the workman of reinstatement.

The workman reiterated the allegations made by him in the statement of claim.—*vide* a rejoinder filed by him while controverting the pleas of the respondent with the result that the parties came to trial on the following issues which were framed.—*vide* order dated 9th December, 1974 by my learned predecessor Shri O. P. Sharma, the then Presiding Officer, Labour Court, Haryana:—

1. Whether Shri Brij Paul Sharma is not a workman as defined under section 2-S of the Industrial Disputes Act?
2. Whether the demand the subject matter of the present reference was first raised on the management and rejected by it before taking up the matter for conciliation? If not, with what effect?
3. Whether the termination of services of Shri Brij Paul Sharma was justified and in order? If not, to what relief is he entitled?

I have heard the authorised representatives for the parties and have seen the record with reference to the evidence led by them. I propose to decide the issues as under:—

Issue No 1—

This is the most important issue in the case as the award required to be made in reply to the reference depends on the findings on this issue alone.

The management in order to prove this issue examined Shri Tirlok Parshad Superintendent, Water Works M. W. 1 and Shri Dharam Vir their Secretary as M. W. 2. Shri Tirlok Parshad deposed that the workman Shri Brij Paul Sharma had been employed from time to time purely in the leave vacancy of the persons and the period as mentioned in the statement Exhibit M.1. He added that all Tubewell Drivers, Tubewell Operators, Electricians and Pipe Fitters etc., worked under him and the statement Exhibit M.1 had been prepared according to the official records brought by him in court and that the leave vacancy had to be filled up always by making a temporary arrangement with the sanction of the President, Executive Officer or Administrator of the Committee. He continued to say that the service of the official thus appointed in the leave vacancy automatically came to an end on the expiry of the leave of the person in whose vacancy the former had been employed temporarily.

Shri Dharam Vir Secretary of the respondent stated that all appointments in the Committee were made through the Employment Exchange, after the vacancies were notified and the applications were received from the candidates. He corroborated the statement of Shri Tirlok Parshad that Brij Paul Sharma had been employed as a Tubewell Driver in a leave vacancy which came to an end on the expiry of the leave of the person concerned in whose vacancy he had been appointed.

Shri Brij Paul Sharma appearing as his own witness gave out that he had been working as a Tubewell Driver during the period from 10th May, 1972 to 27th July, 1973 and that 9

persons junior to him had been retained in service after he had been ousted. He while admitting that he had been initially appointed in the leave vacancy explained that he had been appointed in regular service on the retirement of one Shri Chatru. He however, could not substantiate his statement by any evidence and his solitary statement in absence of any appointment letter or other evidence documentary or oral can not be relied upon. His statement on the other hand, is found rebutted by the statement Exhibit M. 1, prepared by the management and the statement Exhibit W. 4 relied on by the workman himself, each showing the periods of his temporary employment from time to time in the leave vacancy. I see no reason to disbelieve the statements of S/Shri Tirlok Parshad and Dharam Vir made by them with reference to the official documents brought in court with an opportunity to the workman to cross-examine them with reference to these documents.

I, therefore, relying on their evidence hold that Shri Brij Paul Sharma had been employed from time to time in the leave vacancies as shown in the statements Exhibit W. 4 and M. 1 and that he had absolutely no lien either of a temporary nature or of a permanent nature. He is found to have worked last in the leave vacancy of Shri Jai Dayal during the period from 30th December, 1973 to 8th January, 1974. The admitted circumstance that Fresh appointments of Tubewell Drivers on regular basis were made after the term of employment of Shri Brij Paul Sharma came to an end on 8th January, 1974 on Shri Jai Dayal resuming his duties, in preference to the workman Shri Brij Paul Sharma, does not entitle the later to be appointed on regular basis or to be reinstated w.e.f. 8th January, 1974. I in the final analysis of the evidence led by the parties hold that Shri Brij Paul Sharma had been appointed in the leave vacancy of Shri Jai Dayal during the period from 30th December, 1973 to 8th January, 1974 and his services automatically came to an end on the later resuming his duties on expiry of his leave and that he is not a workman. I decide this issue in favour of the workman.

Issue No 2.—

I for the reasons stated by me in details in my order, dated 10th October, 1975 in reference Shri S. C. Sethi V/s Klrlosker Oil Engine (P) Ltd., Faridabad hold that it was no longer necessary for the workman to raise a demand on the management and for the later to reject it before the matter was taken to the Conciliation Officer, in order to constitute an industrial dispute and decide this issue accordingly.

Issue No. 3.—

In view of my findings on issue No. 1, the question of the management terminating the services of Shri Brij Paul Sharma did not arise. I thus hold that the services of Shri Brij Paul Sharma were never terminated by the management and that his temporary service automatically came to an end on 8th January, 1974 on Shri Jai Dayal resuming his duties. I decide this issue accordingly.

The result is that the workman is not entitled to any relief. I return the award while answering the reference in terms of the findings arrived at by me on the issues framed on pleas of the parties. There shall be no order as to costs.

Dated 11th December, 1975

MOHAN LAL JAIN,
Presiding Officer,
Labour Court, Haryana, Rohtak.

The 19th January, 1976

No. 14518-4Lab-75/1919.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Industrial Tribunal, Faridabad in respect of the dispute between the workman and the management of M/s Davis and White (India) Private Ltd., Faridabad.

BEFORE SHRI MOHAN LAL JAIN, PRESIDING OFFICER, INDUSTRIAL TRIBUNAL,
HARYANA FARIDABAD

Reference No. 7 of 1973 and 194 of 1973

between

THE WORKMEN AND THE MANAGEMENT OF M/S DAVIS AND WHITE (INDIA)

PRIVATE LTD., FARIDABAD

AWARD

This award shall dispose of reference No. 7 of 1973 and Reference No. 194 of 1973 as common question of facts and law are involved there in.

The Governor of Haryana, *vide* order No. ID/FD/116-A-71/6234, dated 12th February, 1973 referred the following disputes, *vide* reference No. 7 of 1973 to this Tribunal for adjudication in exercise of the powers conferred on him, *vide* clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 :—

- (1) Whether any dearness allowance should be granted to the workers ? If so, with what details ?
- (2) Whether the management should pay bonus to the workers for the year 1970 ? If so, with what details ?
- (3) Whether the management should supply uniforms to their workers ? If so, with what details ?

The Governor of Haryana, *vide* order No. ID/FD/73/44331 dated 20th November, 1973 referred the following dispute, *vide* reference No. 194 of 1973 to this Tribunal for adjudication in exercise of the powers conferred on him, *vide* clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947.

Whether the workmen should be provided with uniforms? If so, with what details ?

The parties appeared in this Tribunal on 14th February, 1975. The management relied on a settlement alleged to have been arrived at by the parties on 17th March, 1975. Shri Sagar Ram Gupta authorised representative for the workmen prayed for an adjournment to ascertain from the workmen if the settlement relied on by the management was correct. None appeared on behalf of the workmen after 30th May, 1975 with the result that they were proceeded with *ex parte*.

Shri R. C. Sharma, authorised representative for the management, a signatory to the settlement photostat copy whereof is Ex. M-1 on record, proved the settlement, *vide* his statement made by him on 17th December, 1975. He deposed that the settlement was signed and executed by the workmen Shri K. L. Sharma and other workmen and Shri Lakshmi Dutt their authorised representative on the one hand and Sarvshri S. M. Aggarwal and C. M. L. Kapoor for the management on the other hand. He added that he signed the settlement Ex-1 as a witness at mark 'A'.

I see no reason to disbelieve the statement of Shri R. C. Sharma particularly when the proceedings against the workmen are *ex parte* and they have not taken care to deny the correctness of the settlement made under section 12(3) of the Industrial Disputes Act during the conciliation proceedings.

I accordingly relying on the statement of Shri R. C. Sharma authorised representative for the management hold that the dispute as referred to this Tribunal, *vide* the references stated above have since been amicably settled and there is now no dispute between the parties requiring adjudication. I answer the reference in terms of my findings made above with a no dispute award.

MOHAN LAL JAIN,

Dated, the 24th December, 1975.

Presiding Officer,
Industrial Tribunal, Haryana,
Faridabad.

No. 1786, dated the 24th December, 1975.

Forwarded (four copies) to the Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh as required under section 15 of the Industrial Disputes Act, 1947.

MOHAN LAL JAIN,

Dated, the 24th December, 1975.

Presiding Officer,
Industrial Tribunal, Haryana,
Faridabad.

The 21st January, 1976

No. 13899-4Lab-75/2204. In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer Industrial Tribunal, Faridabad in respect of the dispute between the workmen and the management of M/s Daimia Dadri Cement Ltd., Charkhi Dadri.

BEFORE SHRI MOHAN LAL JAIN, PRESIDING OFFICER, INDUSTRIAL TRIBUNAL,
HARYANA, FARIDABAD

Reference No. 30 of 1967

between

THE WORKMEN AND THE MANAGEMENT OF M/S DALMIA DADRI CEMENT LTD.,
CHARKHI DADRI

AWARD

By order No. 111 SF III-Lab-66/1959, dated 24th January, 1967, the Governor of Haryana, referred the following disputes between the management of M/s Dalmia Dadri Cement Ltd., Charkhi Dadri and its workmen to this Tribunal, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947:—

- (1) Whether all the workmen (employed by the company directly or through contractors) who have completed one year service with the company should be granted annual increments? If so; with what details and from what date?
- (2) Whether Shri Bhim Singh should be designated as Happerman and paid accordingly? If so; with what details and from what date?
- (3) Whether the following workers should be made permanent? If so, with what details and from what date?
 - (1) Phul Singh Blacksmith.
 - (2) Surja, s/o Kalia Helper.
 - (3) Lal Chand, s/o Sheo Ram, Helper.
- (4) Whether every workman who works in a dusty place should be supplied with cloth head cover? If so, with what details?

The parties appeared in response to the usual notices of reference sent to them and filed their pleadings, giving rise to the following issues, framed,—*vide* order, dated 23rd August, 1967:—

- (1) Whether the statements of claims filed by the unions are vague and if so what is the effect of the same on the present case.
- (2) Whether the Mazdoor Ekta Samiti has no *locus standi* to raise the Industrial Dispute which is the subject-matter of this reference.
- (3) Whether the dispute with regard to the workmen employed by the contractor cannot be raised?
- (4) What effect if any has the award in reference No. 45 of 1961 on the present case.
- (5) Whether all the workmen (employed by the company directly or through contractors) who have completed one year service with the company should be granted annual increments? If so, with what details and from what date?
- (6) Whether Shri Bhim Singh should be designated as Happerman and paid accordingly? If so; with what details and from what date?
- (7) Whether the following workers should be made permanent? If so, with what details and from what date?
 - (1) Phul Singh Blacksmith.
 - (2) Surja, s/o Kalia, Helper.
 - (3) Lal Chand, s/o Sheo Ram, Helper.
- (8) Whether every workman who works in a dusty place should be supplied with cloth head covers? If so; with what details?

HARYANA GOVT GAZ., FEB. 3, 1976 (MAGHA 14, 1897 SAKA) [PART I

The parties led evidence in support of their pleas. I have heard the authorised representatives for the parties with reference to the evidence led by them and have seen the record. I decide the issues as under:

Issue No. 1.

No arrangements have been addressed to me by the management on this issue. It is thus obvious that the management does not press the pleas covered by this issue. I, therefore, decide this issue against the management.

Issue No. 2.

This issue was decided against the management,—*vide* order, dated 24th January, 1973 by Shri O.P. Sharma, my learned predecessor, the then Industrial Tribunal, Haryana.

Issue No. 3.

Shri Raj Kumar authorised representative for the workmen made a statement on 29th November, 1967 that he limited his claim for annual increment to the workmen employed by the management directly and gave up the claim in respect of those who were working under the orders of the contractors. Shri Bhim Sain authorised representative for the workmen also made a statement on 26th March, 1973 to the same effect. In view of the aforesaid statements, I decide this issue in favour of the management.

Issue No. 4.

The learned authorised representative for the management could not successfully show that any of the demand made by the workmen leading to this reference is in any way barred under award made in reference No. 45 of 1961. I thus hold that the award made in reference No. 45 of 1961 has no effect on the decision of this reference and decide this issue accordingly.

Issue No. 5.

The parties agreed,—*vide* statement made on 26th March, 1973 that this issue may be disposed off according to the award made in reference No. 22 of 1968. An interim award, dated 28th April, 1972 was made in reference No. 22 of 1968 whereby the workmen as mentioned in list Exhibit M-2 annexed thereto were made permanent. This issue thus stands decided in accordance with the interim award, dated 28th April, 1972 referred to above.

Issue No. 6.

It is conceded before me by the authorised representative for the workmen that the demands made in respect of this issue has since been satisfied and that it did not propose to press this issue. I, therefore, hold accordingly on this issue.

Issue No. 7.

An interim award was made on 28th April, 1972 relating to the dispute covered by this issue with the finding that the workmen as per list Exhibit M-2 annexed with that award had been made permanent in accordance with settlement arrived at between the parties. No fresh finding thus need be made on this issue.

Issue No. 8.

Dr. Anand Parkash authorised representative for the management made an application on 10th May, 1967 that the reference relating to the dispute covered by this issue was invalid on grounds of its being vague and that even the allegations and assertions made in the statement of claim filed by the union on behalf of the workmen did not disclose any particulars in respect of the names of the workmen seeking relief or the names of departments which were considered to be dusty. He prayed for a direction to the workmen to file better particulars with regard to their claim to facilitate the management in its defence. He,—*vide* statement made by him on 29th November, 1967, withdrew this application while giving out that he did not press the same. It would thus appear from the statement of Dr. Anand Parkash, dated 29th November, 1967, that the management had absolutely no objection in respect of the validity of the reference relating to this dispute on ground of its being vague and indefinite for want of disclosure of the name of the workmen seeking relief or the departments considered dusty. The same argument now urged to vehemently by Shri S. N. Bhandari authorised representative for the management who succeeded Dr. Anand Parkash, can not obviously be said to be tenable. The statement, dated 29th November, 1967 made by Dr. Anand Parkash withdrawing the application clearly indicated that the management well understood the real meaning and import of the dispute referred to this Tribunal for adjudication, including the places which were considered dusty and the names of the workmen who had sought the relief.

Shri V. Kaushik authorised representative for the management admitted, *vide* his statement dated 30th January, 1974 that certain categories of the workmen working in certain sections in the factory were supplied with cloth head covers. Shri Hari Shankar, Store Incharge of the respondent examined W. W. 4 admitted the list Exhibit W. W. 4/1 annexure 'A' prepared by the authorised representative for the workmen with reference to the record of the management showing the workmen who had been supplied with cloth head covers and list annexure 'B' and 'C' as substantially correct. He further admitted that he had received orders from the Engineers, Foremen and departmental head for the supply of head cover cloth to these workmen 585 in number and that the cloth was being issued in view of the dusty atmosphere of the department where they worked. He admitted that all Khalasies worked in a dusty atmosphere and that the packing section was also one of the dusty sections. He prepared list Exhibit M-1 showing workmen 35 in number out of the list Exhibit W. W. 4/1 who had not been supplied with head cover coarse cloth and list Exhibit M-2 showing the names of workmen 39 in all who had left service of the respondent. He in reply to the court question admitted that he could not vouch safe the correctness of the list Exhibit M-1 and Exhibit M-2.

Shri Bhiwani Singh, Store Clerk of the respondent examined as W. W. 5 deposed that workmen shown in the list Exhibit W. W. 4/1 (13 leave) and Exhibit M-3/1 were being supplied coarse cloth as head cover from the issue section 4 times every year regularly. Shri Bhim Sain, President, Dalmia Dadri Cement Factory Men's Union gave out that according to the practice prevailing in the factory coarse cloth was being issued to the workmen after every 3 months and that it was not being issued to only 250 workmen to whom the demand giving rise to the reference related. He prepared a list annexure 'B' showing the workmen categories, section and department to whom coarse cloth and head covers were being supplied and the list annexure 'C' showing the quantity supplied and the period for which it was supplied. He conceded during arguments that the list annexure 'B' be considered as a guide for determining the dusty places.

There is absolutely no rebuttal on record of the evidence led by the workmen, as referred to above. The fact that coarse cloth as head cover was being supplied to majority of workmen as many as 585 in number stands established by the evidence of Shri Hari Shankar W. W. 4 and Shri Bhiwani Singh Store Clerk W. W. 5. The employees of the respondent themselves and the documents maintained by the respondent as consulted by them and I see no reason to disbelieve them. There is thus little doubt in my mind that cloth head covers were being supplied to every workman who happened to work in a dusty place as indicated in the list annexure 'B' prepared by Shri Bhim Sain excepting about 250 workmen, quarterly at the rate of 2 meters to Khalasies, and 1½ meter to every other workmen, according to a long standing practice prevailing in the factory. I see no justification for non-supply of coarse cloth for head cover to some workmen when this facility is being provided to a large number of workmen in the same section. It would under the circumstances not only be un-just or improper to deprive some workmen working in a dusty place of the benefit provided to others in the same section but it would mean a lot of hard burning to the former on that account. I accordingly hold that every workman working in a dusty place as shown in annexure 'B' shall be supplied with cloth head cover at the rates as shown in the list annexure 'C' with effect from 20th July, 1966 the date of the demands and decide this issue accordingly.

I, therefore, return the award in terms of my finding on issue No. 8.

Dated the 5th December, 1975.

MOHAN LAL JAIN,

Presiding Officer,
Industrial Tribunal, Haryana,
Faridabad.

No. 1749, dated 5th December, 1975.

Forwarded (four copies) to the Secretary to Government Haryana, Labour and Employment Departments, Chandigarh, as required under Section 15 of the Industrial Disputes Act, 1947.

MOHAN LAL JAIN

Dated the 5th December, 1975.

Presiding Officer,
Industrial Tribunal, Haryana,
Faridabad.

ANNEXURE 'B'

Categories of workers and Department or Sections which are supplied with Cloth Head Cover by the management:—

1. Separator Attendant.
2. Hammer Man.
3. Burner.

4. Khalasi.
5. Power House Fitter.
6. Crane Driver.
7. Electric Helper.
8. Welder.
9. Condencer Attendant.
10. Helper.
11. Fitter.
12. Silo Attendant.
13. Apprentice Welder.
14. Carpenter.
15. Granulater Attendant.
16. Furnace Fire Man.
17. Moulding Helper.
18. Electrician.
19. Gang Man.
20. Civil Mazdoor Helper and Mate.
21. Cooler Attendant.
22. Turner.
23. Packer.
24. Boiler Attendant.
25. Mason.
26. Packing Fitter.
27. Store Mazdoor.
28. Coal Mill Mazdoor/Helper.
29. Peon.
30. Compressor Driver.
31. Compressor Helper.
32. Cera Pump Attendant.
33. Welder Helper.
34. Crusher Mazdoor/Helper.
35. Oil Man.
36. Sweeper
37. Workshop Helper
38. Granulater Oil Man
39. Flour Mill Mazdoor
40. Loco Helper/Oil Man
41. Boiler Fire Man and Asstt. Fire Man.
42. Crusher Attendant.
43. Tippler Attendant.
44. Dryer Mazdoor/helper.
45. Dryer F. F. Man
46. Flour Mills Attendant.
47. Black Smith
48. Workshop Fitter
49. Kiln Greaser.
50. Fitter Helper.
51. Coal Miller.
52. Apprentice Turner.
53. Boiler Helper.
54. Dryer Attendant.
55. Wire Man.
56. Conveyor Attendant.

57. Store Peon/Issue Boy.
58. Turbine Driver.
59. Meller.
60. Marker Packing.
61. Store A/C Peon
62. Shift foremen.
63. Hopper Man.
64. Moulder.
65. Light Rly. Fitter.
66. Khalasi Jamadar.

ANNEXURE 'C'

Period and Quantity of cloth head cover supplied by the management.

1. Period:—Quarterly
2. Quantity:—2 M/s to Khalasies and $1\frac{1}{2}$ M/s to all others.

No. 365-4Lab-76/2110.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Industrial Tribunal, Faridabad, in respect of the dispute between the workmen and the management of M/s Panipat Co-operative Distillery, Panipat.

BEFORE SHRI MOHAN LAL JAIN, PRESIDING OFFICER, INDUSTRIAL TRIBUNAL,
HARYANA, FARIDABAD

Reference No. 10 of 1974

between

THE WORKMEN AND THE MANAGEMENT OF M/S PANIPAT CO-OPERATIVE DISTILLARY,
PANIPAT

By order No. ID/KNL/169-F-73/4305, dated 20th February, 1974, the Governor of Haryana, referred the following dispute between the management of M/s Panipat Co-operative Distillery, Panipat and its workmen to this Tribunal, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947.

- (1) Whether the workmen should be entitled to the grant of seasonal uniforms? If so, with what details?
- (2) Whether the workmen should be entitled D. A. linked with Cost of Living Index Number? If so, with what detail?
- (3) Whether the following workers should be designated according to the work done by them and paid as such? If so, with what details?
 - (1) Shri Ishwar Singh,
 - (2) Shri Prem Kumar,
 - (3) Shri Raj Kumar.
- (4) Whether Shri Jagdish, Store Clerk should be given the benefits of the Sugar Wage Board? If so, with what details?

The parties appeared in this Tribunal and filed their pleadings giving rise to the issues framed,—*vide* order dated 29th May, 1974 as per terms of reference stated above.

Shri O. P. Sharma, my learned predecessor, made an interim award dated 17th June, 1975 on the basis of the settlement arrived at between the parties regarding disputes Nos. 1, 2 and 4 and sent it for due publication to the Government.

Dispute No. 3 alone this remained to be decided between the parties. The management filed a settlement Exhibit M-1 alleged to have been arrived at between them and Sarvshri Raj Kumar, Prem Kumar and Ishwar Singh. They got it proved by examining Shri Ishwar Singh who deposed that he was a signatory

to the settlement and that Sarvshri Raj Kumar and Prem Kumar also signed the same in token of its correctness in his presence. The authorised representative for the workmen had nothing to say against the statement of Shri Ishwar Singh, thereby conceding the correctness of the settlement Exhibit M-1.

I have carefully gone through the settlement Exhibit M-1 whereby the workmen Shri Raj Kumar, Prem Kumar and Ishwar Singh agreed that they had been correctly designated and paid by the management according to the nature of their work and the management had agreed to consider their case on merits for higher job as and when a vacancy arose. These three workmen thus withdrew their demands leading to the reference of dispute No. 3.

It would thus appear that none of the workman Raj Kumar, Prem Kumar and Ishwar Singh is entitled to any relief under dispute No. 3 and that his demand relating thereto has been satisfied. I accordingly answer the reference in respect of dispute No. 3 while returning the award in terms of my findings made above.

Dated the 7th January, 1976.

MOHAN LAL JAIN,
Presiding Officer,
Industrial Tribunal, Haryana,
Faridabad.

No. 34, dated 7th January, 1976.

Forwarded (four copies) to the Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

Dated the 7th January, 1976.

MOHAN LAL JAIN,
Presiding Officer,
Industrial Tribunal, Haryana,
Faridabad.

The 20th January, 1976

No. 95-4Lab-76/1979.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Industrial Tribunal, Faridabad, in respect of the dispute between the workman and the management of M/S Deepak Tools Private Limited, D. L. F., Industrial Estate, Plot. No. 96, Faridabad.

BEFORE SHRI MOHAN LAL JAIN, PRESIDING OFFICER, INDUSTRIAL TRIBUNAL, HARYANA, FARIDABAD

Reference No. 156 of 1974

between

SHRI KALAP NATH PANDEY, WORKMAN AND THE MANAGEMENT OF M/S DEEPAK TOOLS PRIVATE LIMITED, D.L.F. INDUSTRIAL ESTATE PLOT NO. 96, FARIDABAD

AWARD

By order No. ID/FD/74/35531, dated 17th October, 1974 the Governor of Haryana, referred the following dispute between the management of M/S Deepak Tools Private Limited, D.L.F. Industrial Estate, Plot No. 96, Faridabad and its workman Shri Kalap Nath Pandey to this Tribunal, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947.

Whether the termination of services of Shri Kalap Nath Pandey was justified and in order ?
If not, to what relief is he entitled?

The parties appeared in this Tribunal on 31st March, 1975 when the case was adjourned to 9th May, 1975. Shri Gajraj Bahadur appearing for the management on 31st March, 1975 did not put in his appearance on 9th June, 1975 and Shri H. R. Dua appeared for the management on that date when the case was adjourned to 9th July, 1975. As the term of office of the Presiding Officer of this Tribunal had expired and his successor had not been appointed by that date, nothing could be done on 9th July, 1975.

Notice of the reference were thus sent to the parties directing them to appear before me on 6th October, 1975 whereas Shri R. L. Sharma put in his appearance for the workman, none appeared for the management on that date despite service of notice with the result that they were proceeded with *ex parte* and the workman was directed to adduce his *ex parte* evidence on 26th December, 1975.

Shri Kalap Nath Pandey, workman, appeared as his own witness on 26th December, 1975 while fully supporting his case as incorporated in the notice of demands with a statement that he was appointed as a Fitter by the management on 8th November, 1973 on wages of Rs 225 P.M. and the later terminated his services with effect from 20th June, 1974 without assigning any reason and serving any charge sheet on him and holding an enquiry. He added that he remained unemployed after the date of termination of his services and could not find his job despite best efforts. I see no reason to disbelieve the statement of workman made by him on oath before me, particularly when the proceedings were proceeded against the management were exparte and they had not taken care to defend the demand raised by the former on them leading to this reference.

I thus relying on the statement of the workman holding that the termination of his services by the management with effect from 20th June, 1974 was unjustified and that he is entitled to be reinstated with continuity of service and full back wages. I thus answer the reference while returning the award in terms of my findings made above-

The 30th December, 1975.

MOHAN LAL JAIN,
Presiding Officer,
Industrial Tribunal, Haryana,
Faridabad.

No. 1825, dated the 31th December 1975

Forwarded (four copies) to the Secretary to Government Haryana, Labour and Employment Departments, Chandigarh, as required section 15 of the Industrial Disputes Act, 1947.

Dated, the 31st December, 1975.

MOHAN LAA JAIN,
Presiding Officer,
Industrial Tribunal, Haryana,
Faridabad.

P. P. CAPRIHAN, Commr. and Secy.